

CITY COUNCIL AGENDA

MAY 10, 2005

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:02 a.m. - Closed Session, Room 600, City Hall
Absent Council Member: None.

1:36 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Member: None.
- **Invocation (District 5)**
The Students of Cureton Elementary School performed the “Wizard of Oz”.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with the addition of Item 3.7 deferred to May 17, 2005.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation proclaiming the week of May 8-14, 2005 as Building Safety Week. (Planning, Building and Code Enforcement)
Mayor Gonzales invited Fire Chief Jeffrey Clet, Director of Planning, Building and Code Enforcement Stephen Haase, Chief Building Official Dennis Richardson, Director of Public Works Katy Allen, and Fire Marshall Dave Schoonover to the podium. Mayor Gonzales declared the week of May 8-14, 2005 as “Building Safety Week” in the City of San José.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation proclaiming the week of May 9-16, 2005 as Wildfire Awareness Week. (Fire)
Mayor Gonzales declared the week of May 9-16, 2005 as “Wildfire Awareness Week” in the City of San José and presented a plaque to Fire Chief Jeffrey Clet.
- 1.3 Presentation of a commendation recognizing San José Fire Department Communications Dispatchers for receiving a re-accreditation award as an Emergency Medical Dispatch Accredited Center of Excellence (ACE) from the National Academies of Emergency Dispatch (NAED). (Mayor)
(Rules Committee referral 5/4/05)
Mayor Gonzales invited Carlyn Page, Associate Director of the National Academy of Emergency Dispatch to the podium; she presented a commendation to Fire Chief Jeffrey Clet to recognize the San José Fire Department Communications Dispatchers for receiving a re-accreditation award. Mayor Gonzales presented a plaque to Fire Chief Clet from the City of San José for achieving this award.
- 1.4 Presentation of commendations to Renew CSU and Kilen Gilpen for their efforts to bring renewable energy to San José State University. (LeZotte)
(Rules Committee referral 5/4/05)
Deferred to 5/17/05, to be heard in the evening.
- 1.5 Presentation of a proclamation declaring May 10, 2005 as Palestinian Cultural Day in the City of San José. (LeZotte)
(Rules Committee referral 5/4/05)
Mayor Gonzales and Council Member LeZotte declared May 10, 2005 as “Palestinian Cultural Day” in the City of San José.
- 1.6 Presentation of a commendation to Community Health Partnerships in recognition of their work on the Women’s Health Partnership Program. (LeZotte)
(Orders of the Day)
Mayor Gonzales and Council Member LeZotte recognized the Community Health Partnerships for their work on the Women’s Health Partnership Program.

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27399 - Rezoning certain real property situated on the south side of the terminus of Marburg Way, approximately 550 feet westerly of North 33rd Street to A(PD) Planned Development Zoning District. PDC04-104
Ordinance No. 27399 adopted.

- (b) ORD. NO. 27412 - Amending sections 13.22.080, 13.22.090, 13.22.100, 13.22.130, 13.22.140, 13.22.150 and 13.22.170 of Chapter 13.22 of Title 13 of the San José Municipal Code regarding Paseos and Plazas to allow cooking, to allow two permits per month per Permittee, and to make other related changes.
Ordinance No. 27412 adopted.

2.3 Acceptance of the Office of the City Auditor's Report on Sales Tax Audit Results for the Quarter Ended December 31, 2004.

Recommendation: Acceptance of the Office of the City Auditor's *Report on Sales Tax Audit Results for the Quarter Ended December 31, 2004*. (City Auditor)
Report Accepted.

2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Washington - Traffic Calming Improvements Project (PSM 409) with a net impact to the fund of \$5,550.

Ordinance No. 27425 adopted.
Resolution No. 72654 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditures of the Redevelopment Agency funds on certain public improvements in connection with the Washington - Traffic Calming Improvements Project, as more specifically described in the memorandum from the Redevelopment Agency, dated March 30, 2005.

CEQA: Not a Project. Council District 3. SNI: Washington. (City Manager's Office)
Resolution No. 72655 adopted.

2.5 Approval to award a contract for the Remington Way Main Replacement.

Recommendation: Report on bids and award of contract for the Remington Way Main Replacement to the low bidder, Pacific Underground Construction, Inc., in the amount of \$304,230 and approval of a contingency in the amount of \$35,000. CEQA: Exempt, PP04-250. Council District 8. (Environmental Services)
Approved.

2 CONSENT CALENDAR

2.6 Approval of fiscal actions for City-Building Energy Projects Programs.

Recommendation:

- (a) Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund - Service Yards Purpose:
- (1) Establish a City-Building Energy Projects Program appropriation to the General Services Department in the amount of \$19,914.
 - (2) Decrease the Ending Fund Balance in the amount of \$19,914.

Ordinance No. 27426 adopted.

- (b) Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund - Parks Purposes Central Fund:

- (1) Establish a City-Building Energy Projects Program appropriation to the General Services Department in the amount of \$5,460.

Ordinance No. 27427 adopted.

- (c) Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund - Fire Protection Purposes:

- (1) Establish a City-Building Energy Projects Program appropriation to the General Services Department in the amount of \$31,109.
- (2) Decrease the Ending Fund Balance in the amount of \$31,109.

CEQA: Not a Project. (Environmental Services/City Manager's Office)

Ordinance No. 27428 adopted.

2.7 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #16 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

Approved.

2.8 Approval to purchase a digital photo lab system for the Police Department.

Recommendation: Report on a bid for the purchase of a digital photo lab system to the sole responsive bidder, Fuji Photo Film, at a total cost of \$142,759.19 including tax, freight, and extended warranty, and authorization for the Director of Finance to execute the purchase order for the immediate purchase of a digital photo lab system. CEQA: Not a Project. (Finance)

Approved.

2 CONSENT CALENDAR

2.9 Approval of a contract extension to the Line of Credit Agreement between the City of San José and Across the Bridge Foundation Inc.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the Line of Credit Agreement with Across the Bridge Foundation, Inc. to provide financial assistance to the Downtown College Prep Charter School in the amount of \$600,000, to extend the due date of the first repayment installment to June 30, 2006 with payment in full due on December 30, 2010. (Mayor) (Rules Committee referral 5/4/05)

Resolution No. 72656 adopted.

2.10 Number not used.

2.11 Approval of actions related to the Converged Network and Server/SAN for the New City Hall.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement between Gartner, Inc. and the City of San José to add additional technical services related to the New City Hall Converged Network and additional procurement and technical services related to Server/SAN, and to increase compensation by \$256,000, changing the total agreement amount from \$420,000 to \$676,000 with no term extension to the agreement. CEQA: Not a Project. (Information Technology/City Manager's Office) (Rules Committee referral 5/4/05)

Resolution No. 72657 adopted.

2.12 Approval of a revision to the City Council Policy on Street Naming and Renaming.

Recommendation: Adoption of a resolution approving revisions to City Council Policy 6-5 setting forth the Street Naming and Street Name Change Policy. CEQA: Not a Project. (Planning, Building and Code Enforcement) (Rules Committee referral 5/4/05)

Resolution No. 72658 adopted.

2 CONSENT CALENDAR

2.13 Approval of actions for the Fontana Dog Park.

Recommendation:

- (a) Approval of a contingency budget increase in the amount of \$12,000.
Approved.
- (b) Adoption of the following appropriation ordinance amendments in the Council District 10 Construction and Conveyance (C&C) Tax Fund:
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Fontana Dog Park by \$12,000;
 - (2) Decrease the Ending Fund Balance by \$12,000.

CEQA: Exempt, PP04-03-088. Council District 10. (Public Works/City Manager's Office)

(Rules Committee referral 5/4/05)

Ordinance No. 27429 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – April 27, 2005 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review May 10, 2005 Council Agenda
The Committee recommended approval of the May 10, 2005 City Council Agenda with six additions.
 - (2) Add New Items to May 3, 2005 Agenda
The Committee recommended approval of five additions to the May 3, 2005 City Council Agenda.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's Report.
- (c) Legislative Update
 - (1) State
Director Intergovernmental Relations Betsy Shotwell reviewed pending legislation provided in the report. The Committee accepted the report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 27, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(c) Legislative Update (Cont'd.)

(2) Federal

There was no report.

(d) Meeting Schedules

There were none.

(e) The Public Record

There were none filed.

(f) Appointments to Boards, Commissions and Committees

(1) Historic Landmarks Commission

Deferred to the 5/4/05 Rules Committee Meeting.

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Work Load Assessment, Work Plan and Feasibility Study for the Silicon Valley Boys and Girls Club

Kip Harkness, Strong Neighborhood Initiative presented an overview of the work load assessment. The Committee directed the Administration to return with the land disposition study portion of the work plan as soon as possible. With this change, the Committee accepted the Work Load Assessment.

(2) Approval of District 3 Neighborhood Summit Event to be held on April 30, 2005 and Authorization to Transfer Event Balance to the Gift Trust Fund for Expenditure

The Committee recommended approval of the District 3 Neighborhood Summit Event and Transfer Balance to the Gift Trust Fund for Expenditure.

(h) Oral Communications

There were none presented.

(i) Adjournment

The meeting was adjourned at 2:17 p.m.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 20, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Approval of an Addition to the City Auditor's Work Plan related to Disability Retirement Issues.

[Deferred from 5/3/05 – Item 3.2(g)(1)]

The Committee directed the Administration to return to the Rules Committee on April 27, 2005 and provide a work load assessment, work plan and feasibility study for the two options currently presented to determine how the City can assist in mitigating the Boys and Girls Club of Silicon Valley's deteriorating financial situation.

The Reports of the Rules Committee and the Actions of April 20 and April 27, 2005, were accepted, with Staff directed to add an audit review of disability retirement issues to the City Auditor's work plan, as outlined in the memorandum from Mayor Gonzales and Vice Mayor Chavez, dated April 18, 2005.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3.4 Acceptance of the Report of the Council Salary Setting Commission.

Recommendation:

(a) Approval of Council Salary Setting Commission Report for the period July 1, 2005 through June 30, 2007. (City Clerk)

Report Accepted. Resolution No. 72659 adopted, approving Commission recommendations Items 3 and 4 as follows:

(1) **Retain the current levels of health, dental, life insurance and salary continuation insurance benefits as well as the City's contributions to CalPERS or PTC 457 plans through Fiscal Year 2006-2007.**

(2) **Continue to require Council Members to pay \$250 for each unexcused absence at scheduled Council Meetings, pursuant to City Charter Section 407.**

The Council agreed to discuss on May 17, 2005 a recommendation to unfreeze Mayoral and Council Office Staff salaries beginning in Fiscal Year 2005-06, as outlined in the memorandum cosigned by Council Members LeZotte and Yeager, dated May 10, 2005.

(b) Approval of an ordinance setting Mayor and Council Member salaries, as recommended by the Council Salary Setting Commission. (City Attorney's Office)

Ordinance not approved.

3 STRATEGIC SUPPORT SERVICES

3.5 Interview applicants for Elections Commission and make one appointment for a four year term.

Recommendation: Interview applicants for the Elections Commission and make one appointment for a four year term. (City Clerk)

Four applicants were interviewed; Jang Singh Badhesha was appointed to the Elections Commission, term ending March 1, 2009.

3.6 Approval of actions for the CUSP Project.

(a) Adoption of an appropriation ordinance and funding sources resolution amendments:

- (1) Increasing the estimate for Earned Revenue in the Integrated Waste Management Fund by \$4,461,606.
- (2) Increasing the CUSP Project appropriation in the Finance Department in the Integrated Waste Management Fund in the amount of \$4,461,606.

Ordinance No. 27430 adopted.

Resolution No. 72660 adopted.

(b) Adoption of a resolution:

- (1) Authorizing the City Manager to execute an Agreement for Services between the City of San José and BearingPoint, Inc. (BearingPoint Stage 2 Agreement) to implement Stage 2 of the City's Integrated Utility Billing, Customer Service and Performance Management System (the CUSP PROJECT, Phase 1) for a total maximum compensation not to exceed \$4,056,006; and
- (2) Authorizing the Director of Finance to execute change orders to the BearingPoint Stage 2 Agreement in a 10% contingency amount not to exceed \$405,600.

CEQA: Not a Project. (City Manager's Office/Finance)

Resolution No. 72661 adopted.

3.7 Approval to name a new Community Center.

Recommendation: Approval to name a new community center located at the 3707 Williams Road (corner of Williams and Boyton) as the “West San José Community Center”, as recommended by the Parks & Recreation Commission. (City Clerk)
(Orders of the Day)

Deferred to 5/17/05, per Orders of the Day.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Building Strong Neighborhoods Committee**
Council Member Chirco, Chair
No Report.

- 4.2 Report of the Driving a Strong Economy Committee – April 25, 2005**
Council Member Williams, Chair

- (a) Fair Housing and Predatory lending Education Update
No action taken.
- (b) Discussion of Supporting Innovative Companies in San José Through Use of City Investment Funds
No action taken.
- (c) Update on Silicon Valley Work Force Investment Network
No action taken.
- (d) Actions the City Can Take to Support Light Industrial Companies in San José
The Committee accepted the Staff Report. Council Member Reed was excused after Item (d) discussion, which resulted in a loss of a quorum for the Committee, and there was no further action taken by the Committee on the agenda items.
See Item 4.4 for Council Action taken.
- (e) Bi-Monthly Economic Development Indicators
No action taken.
- (f) Oral Petitions
There was none.
- (g) Adjournment
The meeting was adjourned at 2:00 p.m.

The Driving a Strong Economy Committee Report and the Actions of April 25, 2005, were accepted, noting the omission from the summary that Council Member Cortese was excused due to other City business.

- 4.3 Approval of actions for the Hillview Glen Apartments Project.**

Recommendation: Adoption of a resolution approving the subordination of the City's existing permanent loan of \$6,000,000 to a new senior loan of \$12,000,000 to be made by the California Housing Finance Agency (CalHFA) to refinance the 138-unit Hillview Glen Apartments Project located at the southeast corner of Pearl and Hillsdale Avenues. CEQA: Not a Project. Council District 9. (Housing)
Resolution No. 72662 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of actions to support light industrial companies in San José.

Recommendation: Direction to the Administration to proceed with amendments to Title 20, the Zoning Code to broaden the range of allowed uses in the City's industrial areas and streamline the process for appropriate changes in use to facilitate occupancy of existing vacant buildings and properties. CEQA: Not a Project. (Planning, Building and Code Enforcement)

[Driving a Strong Economy Committee staff referral 4/25/05 – Item 4.2(d)]

Approved, with Staff directed to re-examine the areas that have already been identified for mixed industrial overlay and determine whether it is feasible to move ahead with those sites.

4.5 Public Hearing on proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management.

Recommendation: Adoption of a resolution approving revisions to the Council Policy on Post-Construction Urban Runoff Management (Policy No. 6-29) to:

- (a) Require the installation of stormwater treatment control measures in new and redevelopment projects which create, replace or add 10,000 square feet or more of impervious surface and involve "Land Uses of Concern," or require a permit or other direct approval from the Regional Water Quality Control Board (RWQCB);
- (b) Expand the Policy definition of "Land Uses of Concern" to include projects involving vehicle or equipment maintenance areas, including washing and repair, outdoor handling or storage of waste or hazardous materials, outdoor manufacturing area(s), outdoor food handling or processing, outdoor animal care, and outdoor horticultural activities where potential pollutant loading cannot be satisfactorily mitigated through other post-construction source control best management practices; and
- (c) Make a technical correction in the "Urban Core" definition related to the required proximity to a BART transit node.

CEQA: Exempt, PP05-012. (Planning, Building and Code Enforcement)

(Deferred from 4/19/05 – Item 4.3 & 5/3/05 – Item 4.4)

Deferred to 5/17/05.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of an agreement for skate park services at Lake Cunningham.

Recommendation: Approval of a consultant agreement for skate park project management and design services with Beals Alliance, Inc. for the Lake Cunningham Regional Park for a term beginning April 1, 2005 through March 31, 2008, in an amount not to exceed \$500,000. CEQA: Not a Project. Council District 8. (Parks, Recreation and Neighborhood Services)

(Deferred from 4/19/05 – Item 5.4 & 5/3/05 – Item 5.2)

Dropped.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair No Report.

6.2 Approval to award a contract for the William Street/McLaughlin Avenue Streetscape Improvement Project.

Recommendation:

- (a) Report on bids and award of contract for the William Street/McLaughlin Avenue Streetscape Improvement Project to the low bidder, ESR Construction, Inc., in the amount of \$622,456, and approval of a contingency in the amount of \$32,000.

Approved.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (1) Increase the appropriation to the Department of Public Works for the William Street and McLaughlin Avenue Improvement Project (PSM 369#1) by \$723,456.

- (2) Increase the estimate for Earned Revenue by \$723,456.

CEQA: Exempt, PP05-20. Council District 3. SNI: Brookwood Terrace. (Public Works/ City Manager's Office)

Ordinance No. 27431 adopted.

Resolution No. 72663 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 4:01 p.m. to consider Item 10.1 in a Joint Session.

10.1 Approval of an extension to the term of the SNI Project Area Committee.

Recommendation: Adoption of a resolution by the City Council approving the establishment of a Strong Neighborhoods Initiative Project Advisory Committee and appointing members to a two year term. (Mayor)

Resolution No. 72664 adopted.

The Redevelopment Agency Board portion of the meeting was adjourned at 4:14 p.m.

- **Closed Session Report**

City Attorney Doyle disclosed the following Closed Session action(s) of May 10, 2005:

A. Authority to File an Appeal in Litigation:

Case Name: **City v. San José Civil Service Commission**

Adverse Party or parties: **San José Civil Service Commission.**

Substance of Litigation: **Mandamus action challenging a decision of the Civil Service Commission.**

Council Vote: Ayes: **Campos, Chavez, Chirco, Cortese, LeZotte, Pyle, Reed, Williams, Yeager; Gonzales.**

Noes: **None.**
Disqualified: **None.**
Absent: **None.**

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9709	N/S of Laurel Grove, Lane East of Bush Street	6	Plant 51 LLC	265 Units	Condominium

- **Open Forum**

- (1) **Mark Trout expressed personal religious views.**
- (2) **David Jenkins complained about vehicle towing fees and urged Council to consider changes to the City of San José's process of ticketing and towing.**
- (3) **Ross Signorino offered words of encouragement.**

- **Adjournment**

The Council of the City of San José was adjourned at 4:20 p.m.

8 JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 4:31 p.m. to consider Items 8.1, 8.2, and 8.3 in a Joint Session.

8.1 Award of a contract for design services for the Children's Discovery Museum Fountain Replacement Project.

Recommendation:

- (a) It is recommended that the City Council adopt a resolution making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of the replacement of the fountain at the Children's Discovery Museum.

Resolution No. 72665 adopted.

- (b) It is recommended that the Agency Board:
 - (1) Adopt a resolution approving the addition of \$160,000 to the Fiscal Year 2004-2005 Adopted Capital Budget in the CDM-Enhancements project line in the Guadalupe-Auzerais Redevelopment Area, and amending the FY 2004-2005 Agency appropriations resolution.

Redevelopment Agency Resolution No. 5602 adopted.

- (2) Approve an agreement with Hellmuth Obata-Kassabaum, Inc. (HOK), in an amount not to exceed \$120,000, for architectural services for the Children's Discovery Museum Fountain Replacement Project.

CEQA: Exempt, PP05-069 [GUADALUPE-AUZERAIS]

Approved.

8.2 Approval of the First Amendment to the DDA with Regis Homes of Northern California for the development of 43 residential for-sale units on the northeast corner of First and Julian.

Recommendation:

- (a) Adoption of resolutions by the City Council and Agency Board accepting the attached Amended 33433 Summary Report and Re-Use Appraisal, and finding that the disposition of property for the planned 43 unit for-sale residential project assists in the elimination of blight, is consistent with the 13th Street SNI Redevelopment Project Area objectives, and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the Disposition and Development Agreement (DDA); and,

Resolution No. 72666 adopted.

Redevelopment Agency Resolution No. 5603 adopted.

Disqualified: Gonzales.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.2 Approval of the First Amendment to the DDA with Regis Homes of Northern California (Cont'd.)

- (b) Adoption of a resolution by the Agency Board approving the First Amendment to the DDA and authorizing the Executive Director to execute ancillary documents as contemplated by the DDA, close escrow and to convey the Property subject to compliance with the terms of the DDA, and to negotiate and execute additional amendments to the DDA substantially in conformance with the intent of the DDA as reasonably necessary to conform to lender requirements.

CEQA: Exempt; PP04-05-158. [SNI: 13th STREET]

Redevelopment Agency Resolution No. 5603 adopted.

Disqualified: Gonzales.

8.3 City Council and Redevelopment Agency actions related to traffic studies and environmental planning in the Rincon de Los Esteros Project Area of North San Jose.

Recommendations:

- (a) Adoption by the City Council of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Water Utility Capital Fund:
- (1) Establish a Transfer to the Redevelopment Agency in the amount of \$35,000 for consultant services related to the Rincon de Los Esteros Redevelopment Plan; and,
 - (2) Decrease the appropriation to the Environmental Services Department for Master Plan Engineering project by \$35,000.

Ordinance No. 27432 adopted.

Resolution No. 72667 not needed. Deleted.

- (b) Adoption by the Agency Board of the following resolutions:
- (1) Approving the addition of \$35,000 to the FY 2004-05 Adopted Other/Miscellaneous revenue from the City Water Utility System Master Plan Engineering Capital Improvement Program; and,
 - (2) Approving the addition of \$35,000 to the Adopted FY 2004-05 Capital Budget Rincon de Los Esteros Redevelopment Area – Industrial Work Program: Implementation project line; and,
 - (3) Amending the FY 2004-05 Agency appropriations resolution; and,
 - (4) Approving a first amendment to the agreement with David J. Powers & Associates, in the amount of \$50,000 for a total contract amount not to exceed \$250,000, to complete the scope of services associated with preparing the North San Jose EIR for certification, and extending the term of the agreement by three months, through September 30, 2005.

[RINCON DE LOS ESTEROS]

Redevelopment Agency Resolution No. adopted.

The Council of the City of San José, and Redevelopment Agency Board adjourned at 4:35 p.m.